IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 12227 of 2005

Between:

P. Dasarath S/o. Nagaiah

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority, Central Zone,

Hyderabad.
2 The Motor Vehicle Inspector, Regional Transport

Authority, Hyderabad.(East)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, especially, one in the nature of writ of Mandamus declaring the seizure of the petitioner vehicle bearing No. AP 9U 9473 vide vehicle check report No. 676073 dt.7-2-2005 is illegal, arbitrary and violative of Article 19(1)(g) of the Constitution of India and consequently direct the respondent to release the petitioner vehicle bearing No.AP 9U 9473 immediately.

Counsel for the Petitioner: MR.CH.RAVINDER

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in seizing the vehicle bearing No.AP 9U 9473 vide vehicle check report No.676073 dated 07-02-2005, as illegal, arbitrary and violative of Article 19 (1) (g) of the Constitution of India and also contrary to the decision of the Division Bench of this Court.

2. It is stated that the respondents have seized the vehicle for the alleged irregularities stated in the vehicle check report on 07-02-2005. The petitioner made an application on 03-06-2005 for release of the vehicle. But the respondents did not pass any orders, though they were under an obligation to release the vehicle immediately when it was sought for release by making an application as contemplated under Rule 448 (b) of the A.P. Motor Vehicle Rules.

3. Heard the learned counsel for the petitioner and the learned Government Pleader.

4. In view of the fact that the issue is covered by a Division Bench judgment of this Court, the respondents are directed to release the vehicle to the petitioner, within three days from the date of receipt of a copy of this order, on payment of Rs.500/- and the tax, if any, due, and also on giving an undertaking that he shall not alienate or encumber the vehicle in question pending disposal of the enquiry as contemplated under Section 207 of the M.V. Act. The release of the vehicle and the deposit made by the petitioner shall be subject to the out come of the orders passed after conducting the enquiry.

5. Accordingly, the writ petition is disposed of. No order as to costs.

S.ANANDA REDDY, J

10th June, 2005

Note:

Furnish C.C. within three days.

B/o.

SKM

To

1 The Secretary, Regional Transport Authority, Central Zone,

Hyderabad.

2 The Motor Vehicle Inspector, Regional Transport

Authority, Hyderabad.(East)

3 Two C.Cs. to G.P. for Transport, High Court Buildings, High

Court of A.P., Hyderabad (OUT)

4 Two CD copies

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